

**REMARKS:**

In the Office Action the Examiner noted that claims 1-18 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1 and 5 been cancelled without prejudice or disclaimer, and claims 2, 4, 6-8, 11, 12, 14 and 18 have been amended. No new matter has been presented.

Thus, claims 2-4, 6-18 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**CLAIM REJECTIONS UNDER 35 USC §103:**

- A. Claims 1, 14, and 18 as being unpatentable over Admitted Prior Art 2004/0267908 (APA).

The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

The discussion of Figure 22 in the Specification of the present application is limited to existing problem(s) related to requiring fetching of contents which causes unnecessary (useless) network transmission. As set forth below, the claimed invention addresses these and other problems.

Claim 6, by way of example, recites "specifying contents portion", "making a decision as to a degree of duplication in substance between said contents portion needed for the compound contents production and said compound contents element stored and managed in said intermediate apparatus" and "providing a fetching instruction to said contents server based on a decision result of said in-intermediate-unit duplication decision operation." See also claims 14 and 18 reciting similar features.

In light of the above, it is respectfully submitted that APA does not teach or suggest the claimed features.

Therefore, withdrawal of the rejection is respectfully requested.

- B. Claims 1-18 as being unpatentable over U.S. Patent Application Publication No. 2003/0025832 (Swart) in view of U.S. Patent No. 6,480,234 (Sasaki).

The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

Swart and Sasaki, alone or in combination, do not teach or suggest "making a decision as to a degree of duplication in substance between said contents portion needed for the

compound contents production and said compound contents element stored and managed in said intermediate apparatus" and "providing a fetching instruction to said contents server based on a decision result of said in-intermediate-unit duplication decision operation" where "fetching instruction is not given to said contents server with respect to a duplicate portion", as recited in claim 6 for example. See also claim 14 reciting similar features.

Further, in contrast to claim 6, Swart discusses in paragraphs [0058] and [0059] cited by Examiner, that the content delivery server analyzes the programming content's metadata and determines if the content is in the appropriate format and coding scheme for delivery to the user. However, Swart does not teach or suggest that contents portions which are not stored in the storage unit and which are needed for production of the compound contents are fetched as recited in the claimed invention (see claim 6).

Similarly, claim 18 recites, "each contents portions is partially fetched in time dimension from one of contents stored" and "said fetching designates only content portions that is not stored as having been previously returned and having a degree of duplication relative to content requested in the instruction information." Swart and Sasaki do not teach or suggest these features of claim 18.

The Swart system merely discusses a search engine server that searches for a program and a content acquisition server acquires a program for delivery to the user (see, Fig.4 including corresponding text). That is, the Swart system merely analyzes the programming content for delivery to the user.

The Examiner acknowledges that Swart does not explicitly teach or suggest a method of combining compound content elements according to time series, but relies on Sasaki as teaching the same. However, Sasaki is limited to filling an integral number of coded audio blocks in the period of time corresponding to one frame or field of the video signal, where an array of coded audio blocks is formed in synchronism with the frames or fields of the video signal before transmission.

As previously discussed, the claims patentably distinguish over Swart. Further, as Sasaki merely discusses decoding audio data when an audio signal coded in blocks is not in synchronism with the frames or fields of a video signal, Sasaki does not cure the deficiencies of Swart regarding claims of the present application. Sasaki requires forming an array of coded audio blocks in synchronism with the frames or fields of the video signal before each transmission.

Swart and Sasaki are silent regarding fetching a contents portion responsive to an instruction where the instruction designates contents portions with the exception of portion previously stored. Specifically, Swart and Sasaki are silent about a fetching instruction issued based on "making a decision as to a degree of duplication in substance between said contents portion needed for the compound contents production and said compound contents element stored and managed in said intermediate apparatus" and "providing a fetching instruction to said contents server based on a decision result of said in-intermediate-unit duplication decision operation", as recited in claim 6 for example.

As such, according to the claimed invention, content element corresponding to a duplicate portion is used in producing so that transmission quantity in the network is reduced, processing load is reduced, the distribution of the processing load is feasible, and stable offer of the compound contents delivery service is possible. Swart and Sasaki, alone or in combination, do not teach or suggest these features.

Further, even assuming *arguendo* that Sasaki does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no rationale to combine Swart and Sasaki. The Examiner stated that the combination of the references would be obvious in order to align the frames and properly render the contents to the users. Applicants respectfully request that a reason for a particular combination is required to establish obviousness (see, *KSR International Co. v. Teleflex Inc.* (KSR), 82 USPQ2d 1385 (2007)). In this case, the rejection based on Swart and Sasaki is made by mere conclusory statements.

Applicants request that some reasoning with some rational underpinning be provided to support the legal conclusion of obviousness since absent improper hindsight the record, however, fails to provide the required evidence (rationale) of a motivation for a person of ordinary skill in the art to perform such modification.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Swart and Sasaki. The dependent claims are also independently patentable.

For example, claim 7 recites that "when the substance of a portion of the contents portion needed for the compound contents production is duplicate with respect to said compound contents element stored and managed, said fetching instruction on a contents portion non-duplicate with respect to said compound contents element is given to said contents server."

Swart and Sasaki, alone or in combination, do not teach or suggest these features of claim 7 as neither teaches differentiated fetching based on a decision result.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

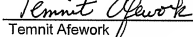
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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